

REMARKS

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed November 15, 2005. Claims 1-20 are pending in the Application. Claims 1-5, 7-12, 14, 15, and 18 stand rejected under 35 U.S.C. 102(e) as being anticipated by Zadikian et al. (US Publication 2005/0185654). Claims 6 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zadikian et al. Finally, Claims 1 and 6 stand objected to for containing minor informalities.

Claims 16, 17, 19, and 20 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to the above rejections and objections, Claims 1, 6, 8, 17, and 20 have been amended to further clarify the subject matter which Applicants regard as the invention and to correct minor informalities. Claims 16 and 19 have been canceled. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments, reconsideration of the Application is respectfully requested in view of the following remarks.

In response to Examiner's inquiry regarding the status of the co-pending Applications listed in the Specification of the Application, 09/661,203 has been allowed and is currently awaiting issuance and 09/658,778 is currently being prosecuted, a non-final Office Action having been mailed on December 13, 2005.

Objection to Claims 1 and 6:

Claims 1 and 6 stand objected to for containing minor informalities. Specifically, Examiner indicates that the word "form" should be changed to --from-- in both claims.

These changes have been made herein.

Therefore, Applicants submit that the objection to Claims 1 and 6 for containing minor informalities has now been overcome and respectfully request that this objection be withdrawn.

Rejections of Claims 1-5, 7-12, 14, 15, and 18 Under 35 U.S.C. 102(e) and Claims 6 and 13 Under 35 U.S.C. 103(a) - Zadikian et al.:

Claims 1-5, 7-12, 14, 15, and 18 stand rejected under 35 U.S.C. 102(e) as being anticipated by Zadikian et al. (US Publication 2005/0185654). Claims 6 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zadikian et al.

In response to these rejections, independent Claims 1 and 8 have been amended to recite the elements/limitations of objected to, but otherwise allowable, Claims 16 and 19. For example, independent Claim 1 has been amended to recite:

1. A method for automatic end-to-end path provisioning for an optical network by a network management system, comprising:
 - obtaining path parameters including scheduled load and availability information for each network element of the network, said obtaining path parameters step comprising:
 - issuing an inventory request to the network elements of the optical network; and
 - receiving inventory responses from the network elements;
 - the method further comprising:
 - comparing inventory responses with an inventory database;

determining if any of the network elements has not yet been provisioned;
retrieving a default template corresponding to the network element(s) not yet provisioned; and
automatically provisioning the network element(s) not yet provisioned utilizing parameter values defined by the retrieved default template;
automatically performing discovery of paths including determining connection possibilities based upon the path parameters; and
automatically provisioning an end-to-end STS-n path based on the paths resulting from the discovery.


Therefore, Applicants submit that the rejections of Claims 1-5, 7-12, 14, 15, and 18 under 35 U.S.C. 102(e) as being anticipated by Zadikian et al. and Claims 6 and 13 under 35 U.S.C. 103(a) as being unpatentable over Zadikian et al. have now been overcome and respectfully request that these rejections be withdrawn.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

Date: February 13, 2006


Christopher L. Bernard
Registration No.: 48,234
Attorney for Applicants

DOUGHERTY | CLEMENTS
1901 Roxborough Road, Suite 300
Charlotte, North Carolina 28211 USA
Telephone: 704.366.6642
Facsimile: 704.366.9744
cbernard@worldpatents.com